

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	20-cr-133 (JSR)
	:	
	:	<u>ORDER</u>
	:	
FREDERICK SCHEININ,	:	
	:	
Defendant.	:	
-----X	:	

JED S. RAKOFF, U.S.D.J.

On September 13, 2021, the Court held an in-court conference with counsel from the Federal Defenders, the U.S. Attorney's Office, and (appearing telephonically) the federal Bureau of Prisons (BOP) relating to the circumstances surrounding the death of defendant Frederick Scheinin (represented by the Federal Defenders). Scheinin was found dead in the Special Housing Unit (SHU) of the Metropolitan Detention Center (MDC Brooklyn) at 6:23 a.m. on June 23, 2021, less than 24 hours after he was convicted by a jury before this Court and remanded to BOP custody. Prior to the conference, the Court received, inter alia, a Mortality Review Report dated July 14, 2021 and prepared by BOP and an autopsy report dated August 31, 2021 and prepared by the Office of the Chief Medical Examiner of the City of New York (OCME). While very informative, these reports (which were provided to all counsel) do not address certain questions material to the Court's inquiry.

Accordingly, the Court, without opposition from any party, directed the BOP to provide by no later than October 1, 2021 (the date requested by BOP counsel) the answers to the following questions, which for the benefit of all concerned, are here repeated and clarified:

- Which of the medications listed in the Court's June 22, 2021 medical attention order, which directed the BOP to administer certain medications to Scheinin, were in fact administered to Scheinin after his remand to USMS custody? If any listed medications were not administered on schedule, why were they not administered?
- When did the MDC Brooklyn medical staff receive the Court's medical attention order?
- Since Scheinin was searched by BOP following his remand, what, in the BOP's experience, are the possible means by which Scheinin obtained or retained the sodium nitrate or sodium nitrite that caused his death?
- How, despite the search, did Scheinin obtain or retain the bag of pills and loose pills found in his cell? Was the cell in which he died cleaned before his occupancy, in accordance with protocols?
- What was the orange substance contained in the Styrofoam cup found in Scheinin's cell?
- Were opioids found in Scheinin's bloodstream by the OCME's toxicological analysis? If so, when and how might Scheinin have obtained those opioids?
- According to applicable BOP protocols, how frequently should Scheinin have been observed by staff conducting rounds of the SHU? According to BOP's review of relevant video evidence and written logs, at what times did BOP staff visit Scheinin and/or observe him between the time he arrived in the SHU on the evening of June 22, 2021 and 6:23 a.m. on June 23, 2021, when BOP staff entered his cell?
- Does BOP's review of applicable records, including any available video recordings and logs, reflect that on the night of June 22-23, 2021 (i) Scheinin requested medical attention,

(ii) that other SHU inmates requested medical attention, or
(iii) that there was a malfunction in any systems used to alert
BOP personnel to medical emergencies?

In its report to the Court, the BOP shall also provide a copy of the handwritten note found in Scheinin's cell and any photographs taken in or around Scheinin's cell as part of the BOP's response to or investigation of Scheinin's death.

The Court will provide the BOP response to all counsel. However, if the BOP believes that any part of its response should be limited to "attorneys' eyes only," it should convene a joint telephone conference with the Court and all counsel at least two business days before filing its response, so that the Court can rule on the application.

SO ORDERED

Dated: New York, NY
September 14, 2021


JED S. RAKOFF, U.S.D.J.